

PATENT
Customer No. 22,852
Attorney Docket No. 6753.0242-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Takeyuki AMARI et al.

Serial No.: 09/964,536

Filed: September 28, 2001

For: AUDIO RACK FOR A VEHICLE

Group Art Unit: 2841

Examiner: H. Bui

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In reply to the Office Action dated August 12, 2003, Applicants respectfully request that the Examiner reconsider the present application and withdraw the claim rejection applied to claim 11 for the reasons explained below.

Claims 2-4, 6-9, and 11-23 are pending in this application. Claims 2-4, 6-9, 12-20, 22, and 23 have been allowed.

Applicants take this opportunity to thank the Examiner for allowing claims 2-4, 6-9, 12-20, 22, and 23 and for indicating that claim 21 contains allowable subject matter.

In the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 102(b) as being anticipated by Ponticelli (U.S. Patent No. 4,742,978). Applicants respectfully traverse this rejection.

Independent claim 11 recites a combination of structural elements that is patentable over the disclosure of Ponticelli. In particular, Ponticelli does not disclose,

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among other things, "each of the first width and the second width being uniform along the depth of the respective storage space." Nevertheless, the Examiner alleges that Ponticelli in Fig. 1 discloses the above-mentioned configuration of the first width and the second width. Applicants respectfully disagree with the Examiner's allegation.

Applicants respectfully note that, in the prior Office Action dated March 11, 2003, the Examiner specifically admitted that Ponticelli does not disclose "the each of the first and second widths being uniform along the depth of the respective storage space" (see page 2). In the outstanding Office Action, however, the Examiner now alleges that Ponticelli discloses the above-mentioned element, without supplying sufficient explanation of how the above-mentioned recitation is allegedly disclosed or suggested by Ponticelli.

In addition, the Examiner's new interpretation of Ponticelli's teachings with respect to the above-mentioned recitation is inconsistent with the Examiner's construction of other elements recited in claim 11. For example, the Examiner appears to have construed that the upper and lower spaces in the rectangular frame 15 correspond to the recited "first storage space" and "second storage space" of claim 11, respectively. Ponticelli, however, cannot disclose the "each of the first width and the second width being uniform along the depth of the respective storage space" because the front panel 23 used for installing a particular radio precludes the upper and lower spaces from having the uniform widths along their depths, as clearly shown in Fig. 1.

For at least these reasons, Applicants respectfully submit that Ponticelli fails to anticipate independent claim 11. Thus, reconsideration and withdrawal of this rejection is respectfully requested.

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Since the Office Action lacks sufficient explanation of how the claimed subject matter is allegedly disclosed by Ponticelli, should the Examiner insist on maintaining the rejection based on that reference, Applicants respectfully request that the Examiner set forth a detailed explanation of the basis for that rejection and make any subsequent Office Action non-final to provide Applicants with a full and fair opportunity to respond.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application, and the timely allowance of all pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 12, 2003

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